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Written statement submitted by the Asian Legal Resource Centre,
a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 December 1999]

GE.00-10739 (E)

Food scarcity in Myanmar

1. The right to food is a fundamental human right. It is guaranteed under the Universal Declaration of Human Rights (art. 25 (1)) and the International Covenant on Economic, Social and Cultural Rights (art. 11).

2. In the Union of Myanmar, people are being denied the right to food by the overwhelming military domination of that country. Substantial evidence suggests that the Government of Myanmar is systematically denying food to the civilian population through a range of practices implemented to ensure perpetuation of its undemocratic rule.

3. Food scarcity exists in Myanmar neither because of a natural disaster nor through mere administrative incompetence, but rather as a result of pervasive militarization. The Government has not only failed to meet its positive obligations to ensure conditions of food security, but it must also be held responsible for administrative and military practices that have resulted in widespread denial of food to civilian populations. In coming to these conclusions, the Asian Legal Resource Centre agrees with the findings of the People's Tribunal on Food Scarcity and Militarization in Burma, which was invited to examine the issue by the Asian Human Rights Commission. The People's Tribunal released its findings in a report entitled "Voice of the Hungry Nation" (Asian Human Rights Commission, October 1999).

4. As a matter of administrative policy, the Government of Myanmar violates the right to food through denial of the right to work, pernicious taxation, confiscation of land and repeated demands for unpaid civilian labour. The State prevents or inhibits people from working freely to achieve their food security. Farmers are not permitted to choose when, where and how to cultivate. In areas of armed conflict they are subject to unstable life-threatening conditions that prevent them from using their labour, land and natural resources to earn a living. In other parts of the country, farmers are the victims of policies that place their own well-being after the interests of the State. Regardless of economic circumstances, civilian communities are obliged to satisfy demands for goods and services from the superstructure imposed by the military.

5. Paddy farming remains the largest occupational sector of the country. Farmers are subject to a compulsory paddy purchase programme that is enforced by government agencies nationwide. The Government generally compensates farmers at half the market rate, but sometimes much less. This practice is effectively a crop tax. The rationale for the programme is the need to feed the armed forces and provide discounted rice to the civil service, yet in reality it fails to promote food security. The paddy quota is based upon the landholdings of each farmer and is enforced without regard to the actual circumstances of producers. Farmers with failed crops report that they have nonetheless been required to meet the paddy quota, usually with great difficulty, as they are forced to purchase paddy at the market price in order to supply the State. Many fall into spiralling debt and ultimately lose their landholdings through Socialist-era legislation. Some lose land even having met all the demands of the State, for example to make way for a military-managed cash-crop plantation. State confiscation of farmland was addressed by the Special Rapporteur on the situation of human rights in Myanmar in paragraphs 51 to 53 of his 1999 report (E/CN.4/1999/35).

6. The widespread practice of forced labour by the State in Myanmar has been amply documented, most notably in the report of the Commission of Inquiry set up under article 26 of the Constitution of the International Labour Organization. The State's unceasing and substantial demands for compulsory, uncompensated labour from the civilian population also denies the right to food. Whenever forced labour takes place, it affects this right in three ways. First, it reduces the amount of time and energy people have available to spend in productive work for themselves. Second, it results in the extraction of cash from defaulting households. Third, during the course of such labour people must face hunger.

7. Myanmar's armed forces are directly responsible for violations of the right to food. Nowhere is this right denied more blatantly than in the regions of the country still perceived as exposed to the threat of insurgency. In these areas, denial of food is used as an anti-insurgent tactic. Violations that take place in these areas include destruction of food stocks and crops, displacement and relocation of civilian communities, and mass expropriation of cash and materials by the army.

8. Military operations directly target rural food supplies and standing crops. The army does not attempt to distinguish between food intended for civilian consumption and that allegedly destined for rebels. At all phases of agricultural production civilian populations of these areas are subject to attack, both upon their persons and their produce.

9. The military displaces people from their villages, sometimes scattering them in the hills and jungles, sometimes forcing them into relocation sites. Those pushed into the jungles are deprived of regular food supply. They face the severest food scarcity, including starvation and death. The Special Rapporteur made observations to this effect in paragraphs 62 and 63 of his January 1999 report. Even larger numbers are forcibly relocated into military-supervised concentration camps. This "strategic hamleting" programme is not new to Myanmar; however, the last few years have seen a rapid expansion of the practice in some regions, particularly in the Shan and Karenni States, with the result being enormous disruption to regional rural economies. Again, the Special Rapporteur referred to these circumstances in paragraphs 39, 49, 50 and 64 to 66 of his January 1999 report. As farmers are dislocated from their lands without compensation or provision for new lands, they end up serving merely as a taxable labour pool for local military units. Widespread dislocation is therefore resulting in serious and long-term structural food scarcity, not mere seasonal hunger due to occasional military incursions.

10. Forced relocation or not, people must provide local military authorities with cash, goods and services. These demands are usually arbitrary and unannounced. Fines are collected from village communities or households seen as having breached their obligations to the military. The result is a net reduction in the resources and capital that people have to live on.

11. These violations of the right to food in Myanmar are connected to the role that the Government adopts in expanding nationwide militarization. Routine State functions have been militarized to the extent that virtually all transactions between the people and the State involve a degree of coercion. Whether collecting paddy quota or taxes or demanding forced labour, authorities rely upon the threat of military force to ensure that they are able to fulfil their tasks. National agriculture policy is oriented away from the people and towards satisfying military and State needs. The media reinforces and validates the status quo, confusing the roles of soldier and

farmer by constantly reporting on military guidance in agricultural matters. The military presence affects even the most fundamental day-to-day economic decisions of regular families. Fundamental administration has been overwhelmed by military authoritarianism. The outcome is a submissive populace facing food scarcity.

12. Government rhetoric argues that it is committed to the food security of all people in the country. However, evidence to support the contrary is overwhelming. Independent reports consistently demonstrate that the Government is systematically and deliberately undermining its stated goals and obligations, to the detriment of the national population. Ultimately, the interests of the military and the State are placed before those of the people, thus ignoring in practice the positive obligations that the State has undertaken to uphold in principle, and thereby creating conditions of food scarcity.

13. The Government of Myanmar must be held responsible for the pervasive conditions of food scarcity that exist in that country. Factors such as natural disaster or mere incompetence of civil services may contribute to or exacerbate food insecurity. None, however, is as pervasive or consistent, nor can explain why food is not available to those who produce it, as the systematic food-denying policies of the Government. None can override the central role that the State has played in violating the right to food.

14. Denial of food on a large scale is a crime against humanity, punishable under international law. In the event that a Government fails to take action to reverse such a trend, those responsible for consistent violation of this fundamental human right must be held to account. The international community and particularly United Nations agencies have an obligation to accept the importance of food security as an issue of fundamental human rights in Myanmar. The Asian Legal Resource Centre calls for an international commission to be appointed with a view to examining this issue. Due recognition must be given to the role that the Government of Myanmar is playing in creating food scarcity, and pressure must be brought to bear upon it to reverse the policies and practices leading to its consistent violations of the people's right to food.